

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

NOVEMBER 6, 2012

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, November 6, 2012, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, R. Fred Pitts, Nettie Y. Davis, Jonny Davis, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council. Councilman Jim Newell was absent.

The invocation was led by Councilman Willie Jennings, followed by the Pledge of Allegiance led by Boy Scout Jacob Magee.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Pitts called the City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilwoman N. Davis and a second by Councilman Whittington, the council voted unanimously of those present to confirm the agenda and agenda order, amended as follows:

ADD: Executive Session

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Jacob Magee was recognized as Boy Scout from Troop #109 sponsored by East Heights Baptist Church. He is working toward earning his Eagle Scout Badge and had led the Pledge of Allegiance at the beginning of the meeting.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

President Pitts requested Neal McCoy and the staff of the Tupelo Convention and Visitors Bureau to come forward and be recognized. The Bureau several weeks ago had been named Mississippi's top Convention and Visitors Bureau for the year and more recently had been awarded the top award in Category 2 by the Southeastern Tourism Society. This award was presented in Virginia Beach, Virginia, and President Pitts and

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Vice-President Nettie Davis had accompanied the group to Virginia as the group was presented this very prestigious award, competing with many Convention and Visitors Bureaus throughout the Southeastern United States. Mr. McCoy and his staff were given a standing ovation by the City Council, Mayor and those in the audience.

IN THE MATTER OF MAYOR'S REPORT

Mayor Reed began his report by stating he wanted to add his pride and congratulations to Neal McCoy and the entire Tupelo Convention and Visitors Bureau for winning the award as referred to above. Secondly, he reported that the city had an excellent bid opening earlier that afternoon on issuance of the city's bonds. Chief Financial Officer Lynn Norris would cover details later on in the meeting, but we remain at historic lows, again showing the strength that lenders view the city's financial condition.

(President Pitts then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LISTING OF LOT MOWINGS

No one appeared to address this issue.

(President Pitts then closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE RESOLUTION DIRECTING SALE AND AWARD OF GENERAL OBLIGATION BONDS AND REVIEW/APPROVE RESOLUTION APPROVING AND AUTHORIZING THE FORM OF, EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING TO BONDS

Councilman J. Davis moved to approve a Resolution Directing Sale and Award of General Obligation Bonds, Series 2012 (the "Bonds") of the City of Tupelo, Mississippi, Dated November 1, 2012, in the Principal Amount of Six Million Dollars (\$6,000,000); and a Resolution Approving and Authorizing the Form of, Execution and Distribution of an Official Statement Pertaining to Bonds. The motion was seconded by Councilman

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Jennings. Vote on the matter was as follows:

VOTING AYE:	Whittington, Pitts, N. Davis, J. Davis, Jennings
VOTING NAY:	Bryan
ABSENT:	Newell

A copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO LEGGETT & PLATT COMPONENTS COMPANY, INC.

On June 19, 2012, the Tupelo City Council had approved resolutions granting ad valorem tax exemption (except State and School District ad valorem taxation), for a period of ten years to Leggett & Platt Components Company, Inc. for a total true value of \$2,730,630.76. On September 12, 2012, the State of Mississippi Department of Revenue, Office of Property Tax Exemptions & Public Utilities Bureau, certified this exemption for a period of ten years from and after January 1, 2012, with a total value of \$2,730,630.76.

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve Final Resolutions granting this exemption to Leggett & Platt Components Company, Inc., copies of said Resolutions being attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO COOPER TIRE & RUBBER COMPANY

On May 3, 2011, the Tupelo City Council had approved a resolution granting ad valorem tax exemption (except State and School District ad valorem taxation), for a period of ten years to Cooper Tire & Rubber Company for a total true value of \$12,796,085.00. On September 12, 2012, the State of Mississippi Department of Revenue, Office of Property Tax Exemptions & Public Utilities Bureau, certified this exemption for a period of ten years from and after January 1, 2011, with a total value of \$12,796,085.00.

Upon a motion by Councilman J. Davis, seconded by Councilwoman N. Davis, the council voted unanimously of those present to approve a Final Resolution granting this exemption to Cooper Tire & Rubber Company, a copy of this Resolution being

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attached to these minutes and incorporated herein as APPENDIX C.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING OF TUESDAY, OCTOBER 16, 2012

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously of those present to approve the minutes of the regular City Council meeting of Tuesday, October 16, 2012.

IN THE MATTER OF REVIEW/APPROVE MINUTES OF SPECIAL CALLED MEETING OF CITY COUNCIL OF TUESDAY, OCTOBER 23, 2012

Upon a motion by Councilman Bryan, seconded by Councilman J. Davis, the council voted unanimously of those present to approve the minutes of a special called meeting of the Tupelo City Council on Tuesday, October 23, 2012.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously of those present to approve the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, Pitts, N. Davis and Jennings:

Check Nos. 105453 through 105991 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One
Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION ESTABLISHING CRITERIA TO BE UTILIZED BY THE COUNCIL IN REDISTRICTING THE MUNICIPAL WARDS

Upon a motion by Councilman Whittington and a second by Councilman Bryan, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo Establishing Criteria to be Utilized by the Council in Redistricting the Municipal Wards. This action is necessary due to the annexation of approximately 13.28 square miles to the City of Tupelo, Mississippi, on or about October 1, 2012, under a mandate of the Supreme Court of the State of Mississippi.

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The data contained under the mandate indicates the population deviation among the seven municipal wards of the City of Tupelo is presently in excess of the judicially-recognized goal of ten percent (10%). Therefore, a need exists for redistricting the municipal wards in order to comply with the Voting Rights Act of 1965 and with federal court decisions.

An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE LIST OF LOT MOWING OF PROPERTIES

Councilman Whittington moved to approve a listing of lot mowings, except #10430, Parcel 077P3513000, such list having been submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community. This action by the City Council authorized the Department to proceed with mowing procedures. The motion was seconded by Councilman Jennings and unanimously passed by a vote of those present. A public hearing had been conducted earlier in the meeting with no one appearing to address any of the listed properties. A copy of the listing is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF ASSESSMENT LIENS FOR LOT MOWING CASES

Upon a motion by Councilwoman N. Davis, seconded by Councilman Bryan, the council voted unanimously of those present to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and safety. The City of Tupelo has cleaned and mowed the properties and has adjudicated costs and penalties according to law.

Properties against which these Resolutions of Assessment Liens are enrolled include: Michelle L. Sapp; Ketmany & Donna Sirasombath; Mario A. and Mary R. Magana; Ann Slef; Joyce and Mary F. Shaw Roberts; Jonathan and Shirley Thornton; Sandra Taylor Balty; Cheng Fen Chou; Harry L. and Valeria Grayson; Larry J. and Charlotte L. Kelso.

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IN THE MATTER OF REVIEW/APPROVE TWO RESOLUTIONS NAMING AUTHORIZED REPRESENTATIVE TO EXECUTE DOCUMENTS AND AGREEMENTS TO APPLY FOR STATE REVOLVING LOANS

Upon a motion by Councilman J. Davis, seconded by Councilman Whittington, the council voted unanimously of those present to approve two resolutions as follows:

Resolution Naming Authorized Representative and Authorizing
Submittal of the Loan Application Mississippi Department of
Environmental Quality

Resolution Naming Authorized Representative and Authorizing
Submittal of the Loan Application Mississippi State Department of
Health

Johnny Timmons, Manager of the Tupelo Water and Light Department, had requested approval of these two documents in order to allow him to execute the required documents and agreements needed to apply for two (2) State Revolving Fund (SRF) Loans to provide and/or improve water and sanitary sewer services to Tupelo's newly-annexed areas. Executed copies of the resolutions are attached to these minutes and incorporated into these minutes as **APPENDICES F & G,** respectively.

**IN THE MATTER OF REVIEW/APPROVE LANDLORD'S RELEASE AND CONSENT
IN REGARD TO ELVIS PRESLEY MEMORIAL FOUNDATION OF TUPELO**

Upon a motion by Councilwoman N. Davis, seconded by Councilman Whittington, the council voted unanimously of those present to approve a Landlord's Release and Consent between The Elvis Presley Memorial Foundation of Tupelo, Borrower, and Renasant Bank, Lender, executed copy being attached hereto and made a part of these minutes as **APPENDIX H.**

The Elvis Presley Memorial Foundation of Tupelo has applied for a loan from Renasant Bank, the collateral given to secure the loan being situated on land owned by the City of Tupelo. Therefore, for the bank to lend money based on that collateral, they are requesting the City of Tupelo to subordinate any claims it might have on the same to the loan to the Foundation.

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**IN THE MATTER OF REVIEW/APPROVE ADDITIONAL HOLIDAYS FOR CITY OF
TUPELO EMPLOYEES**

The Governor of Mississippi had issued a proclamation authorizing the closing of all offices of the State of Mississippi on Thursday, November 22, 2012, in observance of

Thanksgiving Day; on Tuesday, December 25, 2012, in observance of Christmas Day; and on Tuesday, January 1, 2013, in observance of New Year's Day.

In addition, the proclamation authorized the closing of all offices in the state on Friday, November 23, 2012, in further observance of the Thanksgiving holiday; Monday, December 24, 2012, in further observance of Christmas; and on Monday, December 31, 2012, in further observance of the New Year.

Upon a motion by Councilman Jennings, seconded by Councilman J. Davis, the council voted unanimously of those present to declare the same additional holidays for City of Tupelo employees, i.e., Friday, November 23, 2012; Monday, December 24, 2012; and Monday, December 31, 2012.

IN THE MATTER OF REVIEW/APPROVE LIST OF SURPLUS ITEMS BY TUPELO DEPARTMENT OF PARKS & RECREATION

Don Lewis, Director of the Tupelo Department of Parks and Recreation, had submitted a listing of items, requesting that they be declared as surplus property. He stated by memorandum dated October 24, 2012, that these items are broken or no longer being used by that Department. Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve this listing of items as surplus property, a copy of same being attached hereto as **APPENDIX I.**

IN THE MATTER OF REVIEW/APPROVE AMENDMENT TO LAW ENFORCEMENT AGENCY REQUEST FORM TO ACCESS TLO SYSTEMS

Upon a motion by Councilman J. Davis, seconded by Councilman Whittington, the council voted unanimously of those present to approve an Amendment to the Law Enforcement Request Form to Access TLO Systems and TLO Acceptable Use Requirements for Law Enforcement. The Tupelo Police Department has used the TLO Systems database search service for over a year which, according to that Department, is a very powerful and efficient way to conduct several searches at one time and receive instant results. The cost of this service is much lower than similar services that the

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Department has used in the past. The continual use of this search engine would greatly assist the Criminal Investigative Division with investigations of crimes and would benefit the citizens of the city by recovery of property and the location of criminals within the city. A copy of the Amendment to continue this service is attached to these minutes and incorporated herein as **APPENDIX J.**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION EXEMPTING CERTAIN
POLICE VEHICLES FROM MARKING REQUIREMENTS SET FORTH UNDER
MISSISSIPPI CODE**

Upon a motion by Councilman Whittington, seconded by Councilman Bryan, the council voted unanimously of those present to approve a Resolution exempting certain law enforcement vehicles which fall under the purview of Section 25-1-87, Mississippi Code. The Tupelo Police Department has for a long period of time demonstrated the need to operate unmarked vehicles to protect the security of on-going official criminal investigations.

Attached to these minutes and incorporated herein as **APPENDIX K** is a copy of the executed Resolution listing police vehicles which meet the requirements to be exempted from the vehicle marking as set forth in Section 25-1-87, Mississippi Code, styled, "Marking publicly owned or leased vehicles: exceptions: effect of non-compliance."

8. STUDY AGENDA

No items were listed on the agenda for consideration at this meeting.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman Whittington, seconded by Councilman Bryan, the council voted unanimously of those present to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman J. Davis, seconded by Councilman Bryan, the council voted unanimously of those present to go into executive session to discuss possible litigation.

It should be noted that due to the parties involved in the possible litigation, Councilman Jonny Davis recused himself from all participation in discussion and

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action concerning this matter.

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to come out of executive session and return to regular session.

IN THE MATTER OF EXECUTIVE SESSION DECISIONS

Upon a motion by Councilman Whittington, seconded by Councilman Bryan, the council voted as follows to approve two Resolutions Authorizing Condemnation of Property for Public Use regarding Sisk and Scott property. Properties referred to are for right-of-way in connection with the roadway construction project, including construction of a bridge for U. S. Highway 78 (future I-22 corridor) interchange. Copies of both resolutions are attached to these minutes and incorporated herein as **APPENDICES L AND M**, respectively.

Vote on the matter was as follows:

VOTING AYE:	Whittington, Pitts, N. Davis, Bryan, Jennings
RECUSED:	J. Davis
ABSENT:	Newell

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Jennings, seconded by Councilman J. Davis, the council voted unanimously of those present to adjourn the regular meeting at 6:40 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR